

First Published in the Wichita Eagle on July 17, 2009

RESOLUTION NO. 09-198

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING A RIGHT TURN LANE ON 21ST STREET FOR EAST-BOUND TRAFFIC (SOUTH OF 21ST, EAST OF 143RD ST. EAST) 472-84635 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING A RIGHT TURN LANE ON 21ST STREET FOR EAST-BOUND TRAFFIC (SOUTH OF 21ST, EAST OF 143RD ST. EAST) 472-84635 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct a right turn lane on 21st Street for east-bound traffic (south of 21st, east of 143rd St. East) 472-84635.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Fifty-Three Thousand Dollars (\$53,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after January 1, 2007 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

UNPLATTED COMMERCIAL TRACT 1

A tract of land located in the Northeast Quarter of Section 11, Township 27 South, Range 2 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas and being more particularly described as follows:

BEGINNING at a point lying 95.00 feet south of and 75.00 feet west of the Northeast corner of said Northeast Quarter; thence parallel with the east line of said Quarter S00°53'20"E, 155.00 feet; thence S09°25'04"E, 101.12 feet; thence S00°53'20"E, 499.87 feet; thence S88°37'33"W, 1093.19 feet; thence N00°53'20"W, 720.00 feet; thence N53°47'38"E, 122.55 feet to a point lying 60 feet south of the north line of said Quarter; thence parallel with and 60 feet south of said north line N88°37'33"E, 703.06 feet; thence S82°50'42"E, 101.12 feet; thence N88°37'34"E, 155.00 feet; thence S46°07'53"E, 28.16 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 852,909 square feet or 19.58 acres of land, more or less.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: THE UNPLATTED COMMERCIAL TRACT 1, shall pay 100% of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14<sup>th</sup> day of July, 2009.

---

CARL BREWER, MAYOR

ATTEST:

---

KAREN SUBLETT, CITY CLERK

(SEAL)